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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/098,689 | 03/15/2002 | Alex Mashinsky | 4330-4003US1 | 5184 |

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| EXAMINER | |
|---|---|
| WINDER, PATRICE L | |

| ART UNIT | PAPER NUMBER |
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| 2145 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/098,689 | MASHINSKY, ALEX | |
| | Examiner | Art Unit | |
| | Patrice Winder | 2145 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *01 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 November 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 1, 2007 has been entered.

### *Specification*

2. The abstract of the disclosure is objected to because the content does not include features of the claimed invention. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 8, 11, 14, 21-24, 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Voit et al., USPN 6,295,292 B1 (hereafter referred to as Voit).

5. Regarding claim 1,3, Voit taught a method for monitoring and reporting performance information relating to data transmission (usage accounting across carriers and service providers, abstract), comprising:

receiving at a processor an electronic data transmission addressed to a terminating party (column 4, lines 25-31; column 27, lines 53-60; column 28, lines 1-3);

determining at the processor a network service provider associated with the terminating party to enable routing of the data transmission (column 28, lines 4-21);

establishing a connection between an originating party and the network service provider (column 28, lines 22-34);

routing the data transmission from the processor to the network service provider (column 28, lines 47-50, 62-67);

monitoring at the processor a status of a portion of the data transmission while the data transmission to the terminating party is in progress and until the connection with the terminating party is terminated (column 29, lines 1-8);

generating at the processor performance information associated with the data transmission based on the monitored data transmission (column 29, lines 9-11); and reporting the performance information to a third party (column 32, lines 66-67; column 1-14).

6. Regarding dependent claim 2, 4, Voit taught storing the performance information generated at the processor in a database (column 33, lines 58-66).

7. Regarding dependent claim 5, 14, Voit taught the processor is a central controller (column 4, lines 52-55).

8. Regarding dependent claim 8, 11, Voit taught comprising processing instructions allowing the processor to: prompt an originating party with at least one question to gather additional performance information (special parameters, column 27, lines 53-67).

9. Regarding dependent claim 21, 29, Voit taught the electronic data transmission comprises a call placed via one of public switched telephone network or voice over Internet protocol (column 28, lines 4-8).

10. Regarding dependent claim 22, 30, Voit taught the electronic data transmission is a toll free number (column 38, lines 59-63).

11. Regarding dependent claim 23, 31, Voit taught receiving at the processor a request for reporting the performance information; wherein the request for reporting is accomplished via one of hypertext markup transfer protocol, secure hypertext markup

transfer protocol, file transfer protocol, the Internet or the processor and switch route (column 11, lines 39-45; column 13, lines 21-27).

12. Regarding dependent claim 24, 32, Voit taught the reporting performance information to a third party is accomplished via one of hypertext markup language, extensible markup language, audio files, video content and the processor and switch route (communication between interfaces over the Internet, column 5, lines 42-48; column 24, lines 41-43).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**14.** Claims 6-7, 12, 15-16, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit in view of Busey et al., USPN 6,665,395 B1 (hereafter referred to as Busey).

15. Regarding dependent claim 6, 15, Voit does not specifically teach performance information includes at least one of a time necessary for the network service provider to connect to the terminating party, how long the terminating party took to answer the call, whether an interactive voice response unit was utilized, whether the originating party exchanged dual-tone multi- frequency, how long a call was on hold, whether the call was dropped and who was responsible for the terminating or dropping the connection to

the terminating party. However, Busey taught performance information includes at least one of a time necessary for the network service provider to connect to the terminating party, how long the terminating party took to answer the call, whether an interactive voice response unit was utilized, whether the originating party exchanged dual-tone multifrequency, how long a call was on hold, whether the call was dropped and who was responsible for the terminating or dropping the connection to the terminating party (route time, queue time, talk time, wrap time of Table 1, columns 15-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Busey's performance information in Voit's intercarrier telephony network would have improved the statistics available for reporting. The motivation would have been to provide more detailed information on how well customers are being serviced.

16. Regarding dependent claim 7, 16, Voit taught who was responsible for dropping or terminating the call comprises one of the network service provider or a terminating party (column 29, lines 2-8).

17. Regarding dependent claim 9, 12, Voit does not specifically teach the additional performance information comprises a level of customer service offered by a terminating party. However, Busey taught additional performance information comprises a level of customer service offered by a terminating party (service level threshold, column 17, lines 46-54). It would have been obvious to one of ordinary skill in the art at the time invention was made that incorporating Busey's level of customer service in Voit's intercarrier telephony network would have improved the statistics available for reporting.

The motivation would have been to provide more detailed information on how well the agents are performing.

18. Claims 10, 13, 17-18, 20, 25-26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit in view of Stuart et al., USPN 6,868,154 B1 (hereafter referred to as Stuart).

19. Regarding dependent claim 10, 13, Voit does not specifically teach said prompt comprises playing a recording to the originating party before connecting a call. However, Stuart taught a prompt comprises playing a recording to the originating party before connecting a call (column 7, lines 12-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Stuart's prompt in Voit's intercarrier telephony network would have improved statistics collection. The motivation would have been to gather feedback from the originating party.

20. Regarding dependent claim 17, 25, Stuart taught the originating party remains connected at the processor after termination of the call with the originating party or the network service provider (column 10, lines 53-62).

21. Regarding dependent claim 18, 26, Stuart taught the central controller recalls the originating party after termination of the call (column 9, lines 20-25).

22. Regarding dependent claim 20, 28, Voit does not specifically teach the central controller prompts the originating party to answer questions after termination of the call with the terminating party or the network service provider. However, Stuart taught the central controller prompts the originating party to answer questions after termination of the call with the terminating party or the network service provider (column 5, lines 3-13;

column 7, lines 12-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Stuart's questionnaire in Voit's intercarrier telephony network would have improved statistics collection. The motivation would have been to gather feedback from the originating party.

23. Claims 19 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit and Stuart as applied to claims 13 and 10 above, and further in view of Stuart.

**24.** Regarding dependent claim 19, 27, Voit-Stuart does not specifically teach prompting step further comprises directing the originating party to a webpage to answer questions. However, Busey taught directing the originating party to a webpage to answer questions (column 25, lines 51-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Busey's directing the originating party to a web site in Voit-Stuart's intercarrier telephony network with feedback collection would have improved the perceived latency. The motivation would have been to reduce perceived latency by having the originating party provide more information before the agent is assigned.

25. Claims 33 and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Voit.

***26.*** Regarding dependent claim 33, 34, Voit taught audio files and video files but does not specifically the format of the files (column 26, lines 17-22). Voit does not specifically teach the audio files comprise MPEG3 or WAV files, and the video content comprises AVI or MPEG4 files. However, "official notice" it taken that MPEG3, WAV, AVI or MPEG4 files are well known in the art. The motivation would have been because

Voit uses browser interface to access files. AVI, MPEG3, MPEG4, WAV are common format that the browser should be able to interpret.

***Conclusion***

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patrice L. Winder

Patrice Winder
Primary Examiner
Art Unit 2145

September 21, 2007